

Your Turn Mercantile/White Enterprises Inc.
Conditional Use Permit Application



PROPOSED USE

The proposed use of this conditional use permit is to add a casino/tavern to the existing convenience store/ gas station. Section 3.18.030 #14: multiple use with section 3.03.020 #3.

The business has operated as a gas station/convenience store for the past 40 years or more and the current owner would like to add a casino/tavern inside the existing business to generate more revenue.

In the past there was a restaurant/casino/lounge next door and also one across the highway. Both of these businesses have succumb to closure and because of that, current customers of the gas station/convenience store have inquired about off sale liquor in this general area and also gaming.

OWNER(S) OF RECORD

Name: Douglas White Phone: (406) 250-2558
Mailing Address: 7505 Hwy 35
City, State, Zip Code: Bigfork MT 59911
Email: whitemovers@gmail.com

**PERSON(S) AUTHORIZED TO REPRESENT THE OWNER
AND TO WHOM ALL CORRESPONDENCE IS TO BE
SENT:**

Name: Alison Wallen Phone: (406)249-4318
Mailing Address: 7505 Hwy 35
City, State, Zip Code: Bigfork MT 59911
Email: ytm@centurytel.net

LEGAL DESCRIPTION OF PROPERTY:

Street Address: 7505 Hwy 35 S 24 T27 R20

Subdivision Name: N/A Tract No(s): 5BEB,5BDC,5BCD

1. Zoning District and Zoning Classification in which use is proposed:
B2

2. **Explain how the proposed use meets all of the required criteria below. ALL CRITERIA MUST BE DISCUSSED. If criteria are not applicable, please explain why. Attach drawings, additional text, site plans, and any other documents that will assist staff in reviewing the proposed use. The more information you can provide, the easier it is for staff to review the application. Please discuss:**

A. Site Suitability

This site is suitable for the use. This includes:

(1.) adequate usable space

There is 540 square feet of usable space in the existing gas station/convenience store. See Exhibit A. This area is currently open to the gas station/convenience store but will have a wall constructed to separate the casino from the convenience store. There will be a small bar with 8 gaming machines and a 6x8 restroom. Exhibit A outlines to scale the floor plan.

(2.) adequate access

There is access from 2 points off of Highway 83. Please see "Exhibit B". This diagram outlines the current easements off of Hwy 83. These easements are recorded on the Bargain and Sale Deed labeled "Exhibit C". There is also an easement recorded with the restaurant next door to the south. This easement allows traffic flow to come from Highway 35 and drive through the restaurant parking lot to the convenience store property and vice versa. Please see "Exhibit D" part (c) and also "Exhibit E" which was obtained from the Flathead County Plat Room.

(3.) absence of environmental constraints

Environmental constraints will not be an issue. The proposed parking will be a paved pad that will slope accordingly to allow proper stormwater drainage. There is a stormwater drainage ditch directly behind the parking pad to the east of the property. See "Exhibit F" that denoted existing drainage/stormwater runoff ditch.

B. Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of lot. Consideration of design should include:

(1) Parking Scheme



Parking will be on the existing paved area to the east of the building. See "Exhibit B" for the proposed parking scheme. There is 53 feet of space measuring West to East therefore based on the space available there will be 4 9x20 parking spaces and 1 oversized space.

If necessary we will designate a parking area directly behind the building to accommodate future growth. This pad will add another 4-6 spaces and will also be paved and striped.

(2) traffic circulation

Traffic will come from the Highway 35 easement (see exhibit E). There is a perpetual easement between the "restaurant next door" and the current convenience store/gas station. When the traffic enters the restaurant property from highway 35 to the south they will drive north through the restaurant parking lot and then turn right and head east between the restaurant building and the gas station and then turn to the north to the parking area. Upon leaving the casino, the traffic can simply drive north to the Highway 83 east approach or head west to the highway 83 west approach. There are easements for these approaches with the Montana Department of Transportation. See "Exhibit D" for that easement.

(3) open space

Open space is available on the property for extra traffic, parking and customers. There is also ample space inside for the plan. There is 540 square feet inside. There is 53 feet going west to east for parking.

(4) fencing, screening

A fence is not proposed at this time.

(5) landscaping

No actual landscaping proposed at this time

(6) signage

A sign will be affixed to the north side of the building. It will be approx. 5 feet long by 3 feet wide. It will be constructed out of metal and it will have a light affixed above to shine down onto it.



(7) lighting

There will be two parking lot lights installed that will have a lamp that points down toward the ground. The lighting should not become a bother to any neighboring businesses.

C. Availability of Public Services and Facilities

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

(1) sewer

Our current business is on city sewer. The sewer is capable to function with the proposed casino/tavern being added. The Bigfork Water and Sewer Co. have assured us that the sewer in place is adequate.

(2) water

Our current business is on city water. The water main is located behind the property and we connected to city water in June 2010. The 3/4inch service we hooked up with is sufficient to service the needs of an additional restroom. See "Exhibit F" for the drawing of where the water and sewer are located underground.

(3) storm water drainage

There is a current site drainage system in place at the business. It is located along the ditches next to highway 83. See "exhibit E" for the diagram of the storm water drainage.

(4) fire protection

Bigfork QRU and Volunteer Fire Department is located south on highway 35 approx. 1.5 miles from the property.

(5) police protection

Bigfork does not have a police force. The closest police protection would be Flathead County Sheriffs Department. They are located in Kalispell about 15 miles from the property. There is also Montana Highway Patrol.



(6) Streets

The business is located on the junction of highway 35 and highway 83. There is a recorded easement for ingress/egress usage on highway 35 south between the “restaurant next door” and the gas station.

D. Immediate Neighborhood Impact

The proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

(1) excessive traffic generation

This corner of the Flathead Valley is already quite busy and heavily traveled. The proposed casino/tavern will not noticeably affect the traffic. The current convenience store/gas station is quite busy with cars turning in and out of the property daily and frequently. We do not anticipate a lot of “new” traffic that would be noticed.

(2) noise or vibration

The proposed casino/tavern is not aiming toward a “bar atmosphere”. This proposed business is aiming toward a quiet place to sit, have a beverage, and gamble. There will never be live bands, loud music, etc. We will be closing by 10pm every night as the convenience store does as well.

(3) dust, glare, or heat

No dust, glare, or heat will be generated. All parking paved, the lighting will be pointing toward the ground. The sign affixed to the building will be lit with a light fixture affixed above it. There will not be any neon signs outside the building.

(4) smoke, fumes, gas or odors

No smoke, fumes, gas or odors will be generated.

(5) inappropriate hours of operation

The casino/tavern will operate 7 days a week between the hours of 8am and 10 pm.



Extra Concerns

1. The Flathead County Planning and Zoning has brought to my attention **Montana Code Annotated 16-3-306 Proximity to churches and schools.**

In response to this I have submitted **Administrative Rules of Montana (ARM) Rule 42.12.129.** Please see "Exhibits G and H" outlining the provisions. "The Little Brown Church" is located across the highway 83 approx 275 feet from the gas station/convenience store, but because our street addresses are listed on different streets and the entrance doors to the casino is on a different street from the church **MCA 16-3-306** does not apply.

2. Smoking Area

We have designated a smoking area for patrons near the main entrance to the gas station/convenience store. Please see "exhibit A" to locate the smoking area.

3. Underground Storage Tanks and Pipes

The underground storage tanks for the gas station are located on the north end of the property. The casino/tavern will not have any effect on the location of these tanks and the piping that leads fuel to the pump islands. Please see "Exhibit I" for the diagram of the location of the tanks.

